



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:

Inventor(s) : Michael Shawn Giffin, et al.  
Filed : 6/25/2001  
Serial No. : 09/891,005  
Confirmation No. : 9424  
Group Art Unit : 2141  
Examiner : Nguyen, Quang N.  
Docket Number : SNY-P4260  
Title : Wireless Streaming Audio System

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Assistant Commissioner for Patents  
Washington, DC 20231

**DECLARATION UNDER 37 CFR §1.131**

I, Michael Giffin and I Shuichi Takagi, do hereby declare as follows:

1. That I am an inventor of the above-identified patent application, and that my invention is characterized in the claims of the above-identified patent application;
2. That my invention was conceived prior to February 27, 2001, and prior to December 19, 2000;
3. That prior to February 27, 2001 and prior to December 19, 2000, my employer, Sony Electronics Inc., formed a new start-up division called the eMedia division for which Michael Giffin was the first employee;
4. That this new division was formed in order to develop hardware that would support the storage service that would provide the storage mechanism for the audio content described in the above patent application;
5. That during the period spanning the time of my hire through June 25, 2001 and beyond, Michael Giffin was one of only a very few employees of this division and was actively working full time on this project as well as carrying out attempts to hire additional employees and other activities directed at fulfilling the reduction to practice of the invention described and claimed in the above patent application;

6. That during this startup period, Michael Giffin was involved in playing multiple roles in the operation of this division and was engaged full time in activities that related to forwarding the development of technology needed to reduce the above invention to practice;
7. That Michael Giffin's efforts in this regard are corroborated by the declaration of Michael Fasulo which is attached hereto and labeled EXHIBIT A;
8. That prior to February 27, 2001 and prior to December 19, 2000, Shuichi Takagi was also transferred into the startup eMedia division with Michael Giffin, and worked on development of the infrastructure needed to support a service provider's implementation of the hardware used in the above invention, thus contributing to the diligent pursuit of an actual reduction to practice of the above invention;
9. That in addition to the above evidence of diligence efforts toward actual reduction to practice, the above invention was diligently documented in an invention disclosure form that was submitted to my employer, Sony Electronics Inc., prior to February 27, 2001, and prior to December 19, 2000;
10. That as a result of my invention disclosure, which is identified internally by Sony Electronics Inc. as 50P4260, the Intellectual Property Department (IPD) for Sony Electronics Inc., in their normal course of business, requested that a patentability search be carried out for my invention;
11. That EXHIBIT B is a copy of the letter from Carla Krueger (a paralegal working in IPD) accompanying the request for a patentability search that was sent to a search firm as a result of my invention disclosure;
12. That the dollar limit and the date was removed from EXHIBIT B, but the removed date was prior to February 27, 2001, and prior to December 19, 2000 and clearly evidences that the invention was conceived and documented prior to those dates;
13. That on January 3, 2001, a search report was sent from the search firm to Carla Krueger and was received by Carla Krueger on January 4, 2001;
14. That the first page of this search report is attached and labeled EXHIBIT C;

15. That this search report was forwarded to the IPD attorney, Larry Liberchuk, Esq. who was assigned responsibility for my application;
16. That on January 18, 2001, Mr. Liberchuk sent an email to me requesting that I call to discuss the invention;
17. That I subsequently spoke with Mr. Liberchuk on the telephone, at which time we discussed my invention;
18. That on February 9, 2001, Mr. Liberchuk completed his analysis of the search and my invention, and completed a consultation with management, and wrote a memo to Carla Krueger to recommend that a patent application be filed for my invention;
19. That at this time, it is my understanding that Ms. Krueger acted in the capacity of an administrator for the Sony Electronics Inc. patent committee, and thus, Mr. Liberchuk's recommendation was essentially a recommendation that the patent committee agree to file a patent application for my invention;
20. That a copy of Mr. Liberchuk's memo is attached and labeled EXHIBIT D;
21. That this memo was believed to have been delivered to Ms. Krueger either before or during a patent committee meeting that was held on or about March 27, 2001, and that the invention was approved for filing a patent application by the patent committee;
22. That on March 28, Ms. Krueger sent a letter to Miller Patent Services requesting that a patent application be prepared for my invention, and that several other inventions were sent to Miller Patent Services at approximately the same time;
23. That the letter to Miller Patent Services (MPS) regarding my invention is attached and labeled EXHIBIT E;
24. That MPS contacted IPD on April 4, 2001 to request the results of a search that were inadvertently not included with the letter;
25. That Mr. Jerry Miller of MPS spoke with Shuichi Takagi on April 24, 2001 regarding this invention to clarify his understanding and permit preparation of a patent application;

26. That on April 25, 2001, MPS received by fax a copy of the search report for my invention, and that the search report was sent with a fax cover sheet attached and identified as EXHIBIT F;
27. That Mr. Miller completed a rough draft of the patent application on April 27, 2001 and forwarded the draft to me via FedEx, using the cover letter attached and identified as EXHIBIT G;
28. That I diligently began reviewing the draft application with my co-inventor upon receipt of it on or about May 1, 2001, as time would permit in view of my other job responsibilities;
29. That during the period from June 4, 2001 through June 11, 2001, Michael Giffin was on vacation from work;
30. That during the week of May 14, 2001, Mr. Miller was out of the office on a business trip and was unavailable to discuss the application;
31. That I spoke with Mr. Miller on the telephone on May 23, 2001 regarding the application, and communicated with him several times by email and fax between May 2 and June 13, 2001;
32. That in early June, 2001 I discovered that the draft application that I was reviewing with my co-inventor had become lost;
33. That I and my co-inventor conducted a thorough search for the application draft but were unable to find it or account for its absence;
34. That I contacted Mr. Miller on June 14, 2001 via email and spoke with him on the telephone regarding the lost document and he sent a new copy of the application for my review via fax using the fax cover sheet that is attached and labeled EXHIBIT H;
35. That on June 15, 2001, my co-inventor and I completed our review and provided comments to Mr. Miller to enable him to revise and complete the application;
36. That Mr. Miller sent the final application for our signatures on June 18, 2001 under the attached cover letter marked EXHIBIT I;

37. That my co-inventor and I reviewed the final application, found it to be in order and executed same on June 22, 2001, as evidenced by the declaration and power of attorney document of record;
38. That the application papers were returned to MPS and filed by Express Mail on June 25, 2001, thus effecting a constructive reduction to practice of the invention;
39. That while I had little direct exposure to the internal operation of IPD, my understanding of the circumstances described herein is based upon review of the attached exhibits including the declaration of Harold Fujii, Esq. which is attached as EXHIBIT J; and
40. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Michael Shawn Giffin

Date



2/23/05

Shuichi Takagi

Date



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s) : Michael Shawn Giffin, et al.  
Filed : 6/25/2001  
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Title : Wireless Streaming Audio System

Assistant Commissioner for Patents  
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**DECLARATION UNDER 37 CFR §1.131**

I, Michael Giffin and I Shuichi Takagi, do hereby declare as follows:

1. That I am an inventor of the above-identified patent application, and that my invention is characterized in the claims of the above-identified patent application;
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4. That this new division was formed in order to develop hardware that would support the storage service that would provide the storage mechanism for the audio content described in the above patent application;
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6. That during this startup period, Michael Giffin was involved in playing multiple roles in the operation of this division and was engaged full time in activities that related to forwarding the development of technology needed to reduce the above invention to practice;
7. That Michael Giffin's efforts in this regard are corroborated by the declaration of Michael Fasulo which is attached hereto and labeled EXHIBIT A;
8. That prior to February 27, 2001 and prior to December 19, 2000, Shuichi Takagi was also transferred into the startup eMedia division with Michael Giffin, and worked on development of the infrastructure needed to support a service provider's implementation of the hardware used in the above invention, thus contributing to the diligent pursuit of an actual reduction to practice of the above invention;
9. That in addition to the above evidence of diligence efforts toward actual reduction to practice, the above invention was diligently documented in an invention disclosure form that was submitted to my employer, Sony Electronics Inc., prior to February 27, 2001, and prior to December 19, 2000;
10. That as a result of my invention disclosure, which is identified internally by Sony Electronics Inc. as 50P4260, the Intellectual Property Department (IPD) for Sony Electronics Inc., in their normal course of business, requested that a patentability search be carried out for my invention;
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17. That I subsequently spoke with Mr. Liberchuk on the telephone, at which time we discussed my invention;
18. That on February 9, 2001, Mr. Liberchuk completed his analysis of the search and my invention, and completed a consultation with management, and wrote a memo to Carla Krueger to recommend that a patent application be filed for my invention;
19. That at this time, it is my understanding that Ms. Krueger acted in the capacity of an administrator for the Sony Electronics Inc. patent committee, and thus, Mr. Liberchuk's recommendation was essentially a recommendation that the patent committee agree to file a patent application for my invention;
20. That a copy of Mr. Liberchuk's memo is attached and labeled EXHIBIT D;
21. That this memo was believed to have been delivered to Ms. Krueger either before or during a patent committee meeting that was held on or about March 27, 2001, and that the invention was approved for filing a patent application by the patent committee;
22. That on March 28, Ms. Krueger sent a letter to Miller Patent Services requesting that a patent application be prepared for my invention, and that several other inventions were sent to Miller Patent Services at approximately the same time;
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27. That Mr. Miller completed a rough draft of the patent application on April 27, 2001 and forwarded the draft to me via FedEx, using the cover letter attached and identified as EXHIBIT G;
28. That I diligently began reviewing the draft application with my co-inventor upon receipt of it on or about May 1, 2001, as time would permit in view of my other job responsibilities;
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31. That I spoke with Mr. Miller on the telephone on May 23, 2001 regarding the application, and communicated with him several times by email and fax between May 2 and June 13, 2001;
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33. That I and my co-inventor conducted a thorough search for the application draft but were unable to find it or account for its absence;
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38. That the application papers were returned to MPS and filed by Express Mail on June 25, 2001, thus effecting a constructive reduction to practice of the invention;
39. That while I had little direct exposure to the internal operation of IPD, my understanding of the circumstances described herein is based upon review of the attached exhibits including the declaration of Harold Fujii, Esq. which is attached as EXHIBIT J; and
40. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

 2/23/05  
Michael Shawn Giffin Date

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Shuichi Takagi

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s) : Michael Shawn Giffin, et al.  
Filed : 6/25/2001  
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Title : Wireless Streaming Audio System

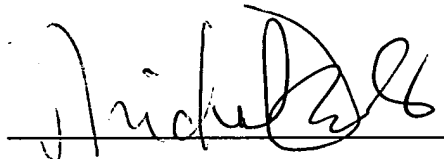
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Assistant Commissioner for Patents  
Washington, DC 20231

**DECLARATION OF MICHAEL FASULO**

I, Michael Fasulo, do hereby declare as follows:

1. That I am currently employed by Sony Electronics Inc., as President of their E-Solutions organization;
2. That during a period spanning prior to December 19, 2000 until after June 25, 2001 I was also employed by Sony Electronics Inc.;
3. That during this time period, I acted in the capacity of hiring manager for a new start-up division of Sony Electronics Inc. for which Michael Giffin was the first employee;
4. That this new division was formed in order to develop hardware that would support the storage service that would provide the storage mechanism for the audio content described in the above-identified patent application;
5. That during this time period, Michael Giffin was one of only a very few employees of this division and was actively working full time on this project as well as carrying out attempts to hire additional employees and other activities directed at fulfilling the reduction to practice of the invention described and claimed in the above patent application;

6. That during this startup period, Michael Giffin was involved in playing multiple roles in the operation of this division and was engaged full time in activities that related to forwarding the development of technology needed to reduce the above invention to practice;
7. That during this time period, Mr. Giffin was engaged in significant business travel;
8. That Mr. Giffin has shown me evidence that corroborates that during the period from June 4, 2001 through June 11, 2001, he was on vacation from work; and
9. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

 2/18/05  
\_\_\_\_\_  
Michael Fasulo Date

# SONY

Sony Electronics Inc., Intellectual Property Department  
123 Tice Boulevard, Woodcliff Lake, New Jersey 07677-8402  
Telephone (201) 930-1000 Fax (201) 930-6854 Sender's Direct Telephone (201) 930-

**VIA FEDERAL EXPRESS**

Bruce P. Moore  
Mooreland & Moore, Inc.  
2001 Jefferson Davis Highway  
Suite 407  
Arlington, Virginia 22202

**RE: IPD #50P4260**  
**Disclosure Title: Virtual Storage for Wireless Audio.**

Dear Mr. Moore:

Enclosed is an invention disclosure recently received by the Intellectual Property Department.

Please conduct a patentability search for this invention. If possible, please limit the cost of your search to under \$1,000 and provide me with the results within approximately 30 days. If you feel that you are unable to do an adequate search under these constraints, or if art areas are unavailable for search, please contact me. Please invoice this matter referencing the above docket number and send to the following address:

Sony Electronics, Inc.  
Intellectual Property Department  
123 Tice Blvd., Mail Drop T1-1  
Woodcliff Lake, NJ 07675

I look forward to receiving the results of your search in a few weeks. If you have any questions, please feel free to give me a call at (201) 930-6674.

Sincerely,

  
Carla Krueger  
Patent Paralegal

Encl.

cc: Larry Liberchuk, Esq.

CK:ar

**EXHIBIT B**

**MOORELAND & MOORE, INC.**  
A PROFESSIONAL PATENT AND TRADEMARK RESEARCH CORPORATION  
SUITE 407  
2001 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VIRGINIA 22202

703-415-1212  
703-415-1215 (FACSIMILE)  
EDN 54-1779673

January 3, 2001

VIA FEDERAL EXPRESS

Carla Krueger  
SONY ELECTRONICS, INC.  
Intellectual Property Department  
123 Tice Boulevard  
Woodcliff Lake, NJ 07675

RECEIVED

JAN 4 2001

CARLA KRUEGER

Re: **Wireless Storage for Wireless Audio**

Your Reference: **50P4260**

Invoice # 55282

Dear Carla:

In accordance with your request of December 11, 2000, we have conducted a preliminary patentability search directed to an arrangement for virtual storage of wireless audio as illustrated and described in your disclosure.

As a result, the following references were noted:

6,169,747 B1 Sartain et al.	5,931,901 Wolfe et al.
6,167,251 Segal et al.	5,734,119 France et al.
6,161,142 Wolfe et al.	WO 00/38340
6,137,045 Short et al.	WO99/43136
6,081,780 Lumelsky	

Since we have placed brief notes on the face of selected references, their individual features will not be further discussed herein.

EXHIBIT C

MPS

Sony Intellectual Property Department  
MEMO

To: Carla Krueger  
From: Larry Liberchuk  
Subject: Case Disposition  
IPD File No: 50P4260  
Date: February 9, 2001

RECEIVED

MAR 27 2001

CARLA KRUEGER

Based on managers' recommendations, my analysis of the invention and telephone conference with the inventor, I would like to proceed with a patent application for the above-referenced case. Please contact me if you have any questions or comments regarding the above.

Thank you.

EXHIBIT D

# SONY

**Sony Electronics Inc.**, Intellectual Property Department  
123 Tice Boulevard, Woodcliff Lake, New Jersey 07677-8402  
Telephone (201) 930-1000 Fax (201) 930-6854 Sender's Direct Telephone (201) 930-

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28-Mar-2001

Jerry A. Miller  
Miller Patent Services  
29 Seminole Drive

Ringwood NJ 07456-1212

Re: 50P4260 Assignee SONY CORPORATION AND SONY ELECTRONICS INC.

Comments/DisclosureTitle: Please be advised that Sony IPD includes a copy of the Mooreland & Moore search report for your review in addition to the disclosure matter for:  
VIRTUAL STORAGE FOR WIRELESS AUDIO.

Dear Mr. Miller:

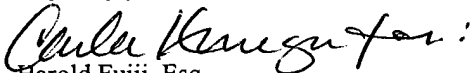
Enclosed you will find a new invention disclosure. Please prepare and file a patent application for the subject invention without a preliminary search.

I anticipate that you will need to speak with the inventor in order to complete the patent application. The inventor's business telephone number is on the invention disclosure. Please feel free to contact the inventor directly as the need arises. Please send copies of all communications with the inventor and the patent coordinator for this Sony facility to Andrea Petit-Clair at our New Jersey Office. The patent coordinator (if any) for this facility along with his address, telephone number and facsimile number are listed below.

If you feel that you need to meet with the inventor personally in order to complete this job, please clear such a meeting with the managing attorney. The patent coordinator or Managing Attorney/Agent listed below can assist in coordinating any such meeting which might be required. If you have any questions, please feel free to contact me at (408) 955-4998.

**I will look forward to confirmation of filing this application within three (3) months of the date of this letter, or prior to any bar date, whichever is earlier.**

Very truly yours,



Harold Fujii, Esq.  
Director, West Coast Operations  
Encl.

**Managing Attorney Larry Liberchuk, Esq. 201-930-6194**

**Please acknowledge receipt of this disclosure material and provide your firm's reference number by return fax - 201-930-6854.**

**\*\*Please see the attached for special instructions or search results (if any) regarding this application.**

CC:

EXHIBIT E



**INTELLECTUAL PROPERTY DEPARTMENT  
FACSIMILE**

Date: 4/25/01 Page 1 of 4  
To: Jerry Miller  
From: Ayala  
Subject: 50P4260

As per your request.

---

1 SONY DRIVE - Park Ridge, New Jersey 07656  
Telephone: (201) 930-  
Fax: (201) 930-6854  
Please Deliver at Once & Acknowledge Receipt

EXHIBIT F

# Miller Patent Services

29 Seminole Drive, Ringwood, NJ 07456-1212  
Phone: (973) 728-2760 Fax: (973) 728-0438  
e-mail: miller@patent-inventions.com

April 27, 2001

CONFIDENTIAL AND PROPRIETARY

Mr. Michael Giffin  
Sony Electronics, Inc.  
4845 Pearl East Circle  
Boulder, CO 80301

Re: Patent Application Docket Number SNY-P4260 (50P4260)  
Wireless Streaming Audio System

Dear Michael:

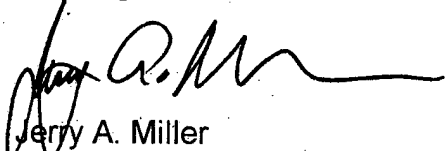
Enclosed for your review is a draft patent application for your above-referenced invention generated as a result of my discussion with Takagi-san a few days ago. Please review this application carefully with Takagi-san and make note of any changes you feel are necessary. It is important that the application fully describe your invention so that someone having ordinary skills in the related technology could readily make and use the invention without undue experimentation. It is also a requirement that the application disclose the best mode known to you to make and use the invention. Please make note of any corrections to the document to assure that it meets these basic requirements.

You will note that the application includes a number of claims. Those claims define the invention for which protection is being sought. Please carefully review the claims to assure that they accurately describe the invention.

When you have completed your review, please call me at the above phone number with the changes. Since patent protection can be jeopardized by delay, your prompt attention to review of this draft application will be appreciated.

I will be looking forward to hearing from you in the next several days.

Best regards,



Jerry A. Miller  
Registered Patent Agent

enclosure  
JAM:cnm

cc: Harold Fujii, Esq.  
Andrea Petit-Clair

EXHIBIT G

**MILLER PATENT SERVICES**

29 SEMINOLE DRIVE, RINGWOOD, NJ 07456  
Phone 973-728-2760, Fax 973-728-0438, Email miller@patent-inventions.com

**FAX COVER SHEET**

Page 1 of 22

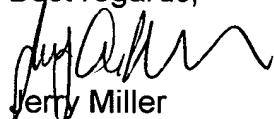
To: Michael Giffin, Shuichi Takagi  
CC:  
From: Jerry A. Miller  
Re: SNY-P4260  
Date: June 14, 2001

**ATTORNEY-CLIENT PRIVILEGED**

Dear Michael and Shu:

Per your email, attached is a complete copy of the draft patent application I sent by FedEx on 4/27/01. Please mark it up with your corrections and fax it back.

Best regards,



Jerry Miller  
Registered Patent Agent

**EXHIBIT H**

# Miller Patent Services

29 Seminole Drive, Ringwood, NJ 07456-1212  
Phone: (973) 728-2760 Fax: (973) 728-0438  
e-mail: miller@patent-inventions.com

June 18, 2001

CONFIDENTIAL AND PROPRIETARY

Mr. Michael Giffin  
Sony Electronics, Inc.  
4845 Pearl East Circle  
Boulder, CO 80301

Re: Patent Application Docket Number SNY-P4260 (50P4260)  
Wireless Streaming Audio System

Dear Michael:

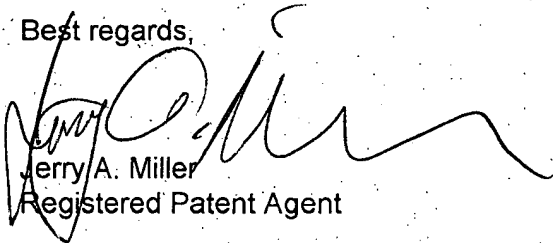
Enclosed is a final version of your application for signature. A copy for your files is also enclosed. Regarding the change you suggested, I have added a new claim that simply calls for a wireless protocol. I have retained the original claim also. Since each claim stands on its own, this should provide both specific and broader coverage.

Here are instructions for you to use in signing the application:

1. If there are any minor errors in the application that require correction, please make corrections in ink. You must initial and date each correction. Call me if there are major corrections needed or changes to the claims and I will revise and print a new document.
2. Declaration and Power of Attorney: Please sign and date in the place indicated.
3. Assignment: Same day, please find a Notary Public - call if you are unable to find one. Then, execute this document in his/her presence. Please note that there is one place for signature, and two dates. Please sign where indicated and put today's date in BOTH locations (assuming you sign both documents on the same date). Do not fill in the serial number or filing date blanks in the last paragraph.

Please give me a call when you have completed this process, or if you have any questions at all on how to proceed with the above process. If not done correctly, we will have to do it over again. Please return the entire application to me along with the original documents you signed for filing with the Patent Office when you have completed the above process. I will be looking forward to hearing from you in the next several days.

Best regards,



Jerry A. Miller  
Registered Patent Agent

enclosure  
JAM:cnm

cc: Harold Fujii, Esq.  
Andrea Petit-Clair

**EXHIBIT I**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Inventor(s) : Michael Giffin  
Filed : 6/25/2001  
Serial No. : 09/891,005  
Confirmation No. : 9424  
Group Art Unit : 2141  
Examiner : Nguyen, Quang N.  
Docket Number : SNY-P4260  
Title : Wireless Streaming Audio System

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Assistant Commissioner for Patents  
Washington, DC 20231

**DECLARATION OF HAROLD FUJII**

I, Harold Fujii, do hereby declare as follows:

1. That at the time of the events outlined in the declaration of the inventors in the above-identified patent application, I was employed by Sony Electronics Inc. in the capacity of a Director of the Intellectual Property Department (IPD);
2. That Carla Krueger worked in IPD as a paralegal;
3. That Ms. Krueger also served the function of administering the operation of the IPD patent committee, which met on a periodic basis;
4. That in that capacity, she often requested searches, forwarded search results to attorneys and handled routine correspondence with outside patent firms in coordinating patent prosecution work;
5. That EXHIBIT A is the search request generated by Ms. Krueger for the above-identified invention;
6. That EXHIBIT B is the first page of the search report for the above-identified invention, received as a result of Ms. Krueger's request;
7. That during this time period, IPD was managing in excess of 1000 invention disclosure per year via the patent committee, and this sometimes resulted in

- delays in considering any given invention disclosure, but each disclosure was considered by the patent committee as soon as possible according to IPD's standard operational procedures;
8. That an IPD attorney or agent was assigned to each invention (generally by virtue of the attorney being assigned responsibility for the group from which the invention came);
  9. That part of the IPD attorney or agent's job was to present the invention to the patent committee for easy understanding, and to provide recommendations based upon consultation with the inventor and with the inventor's management;
  10. That during this time period, an IPD attorney Larry Liberchuk, Esq. was assigned managing attorney responsibility for the above-identified application for the work that is carried out in IPD, and for overseeing the work done by outside attorneys and agents;
  11. That as managing attorney, Mr. Liberchuk was provided with the results of the search that accompanied EXHIBIT B by Ms. Krueger;
  12. That according to my records and other documents that I have examined, I believe that a patent committee meeting was held on or about March 27, 2001;
  13. That EXHIBIT C represented Mr. Liberchuk's recommendation to the patent committee regarding the above invention;
  14. That after a diligent search, I have been unable to find records indicating that this invention was considered for action during this patent committee meeting, but it is my belief that it was, based upon the records I have examined;
  15. That at the time, IPD administered most prosecution work from an office in New Jersey, but that work was subsequently transferred to California, and the records appear to have been misplaced when this work was transferred to California;
  16. My belief that this invention was considered by the patent committee on March 27, 2001 is based upon the fact that Ms. Krueger took delivery of the memo labeled EXHIBIT C on the same date as the patent committee meeting, and the letters such as those shown in EXHIBIT ~~D~~ were, during the relevant time period,

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quickly and easily generated by a merge function from a computer database immediately after patent committee meetings;

17. That in the normal course of business, Ms. Krueger's duties were to send out such letters as EXHIBIT ~~D~~<sup>E</sup> on my behalf as soon as possible after a patent committee meeting;
18. That EXHIBIT ~~D~~<sup>E</sup> is a letter to Miller Patent Services requesting preparation of a patent application for the above invention; and
19. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued

thereon.

Harold Fujii

Date

Feb. 3, 2005